SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:		October 9, 2016	
Time of Incident:		11:11 PM	
Location of Incident:			
Date of COPA Notificati	on:	June 8, 2018	
Time of COPA Notificat	ion:	1:08 PM	
arrested by Officers Turther alleged that once at	lawful us , Serg the police discussed	geant was and Officer without was drunk and in the Analysis portion of this report.	justification. ¹
Involved Officer #1:		of Appointment: 1999, Polic ————————————————————————————————————	e Officer, Unit
Involved Officer #2:		, Star # Employee	e Officer, Unit ,
Involved Officer #3:		Appointment: 2005, Serg District, Date of Birth: 1979, M	eant of Police,
Involved Individual #1:		, Date of Birth:	1986, Male, Black
III. ALLEGATIO	NS		
Officer	Allegati	on	Finding
Officer	1. Arres weapon 2 and Ru	without justification, in violation of Rule	Exonerated

¹ Sergeant was a police officer at the time of sarrest on October 9, 2016.

Officer	1. Arrested for unlawful use of a weapon without justification, in violation of Rule 2 and Rule 6.	Exonerated
	2. Punched in the face, in violation of Rule 6 and Rule 9.	Unfounded
Sergeant	1. Arrested for unlawful use of a weapon without justification, in violation of Rule 2 and Rule 6.	Exonerated
	2. Drank alcohol while on duty, in violation of Rule 2 and Rule 15.	Unfounded

IV. APPLICABLE RULES AND LAWS

Rules

- 1. **Rule 2**: Prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- 2. **Rule 6**: Disobedience of an order or directive, whether written or oral.
- 3. **Rule 9**: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
- 4. **Rule 15**: Intoxication on or off duty.

General Orders

- 1. G03-02: Use of Force Guidelines.²
- 2. **G03-02-02**: Force Options.³

Federal Laws

1. **Fourth Amendment to the United States Constitution**: Guarantees protection from unlawful arrest and unreasonable search and seizure to all persons in this country.

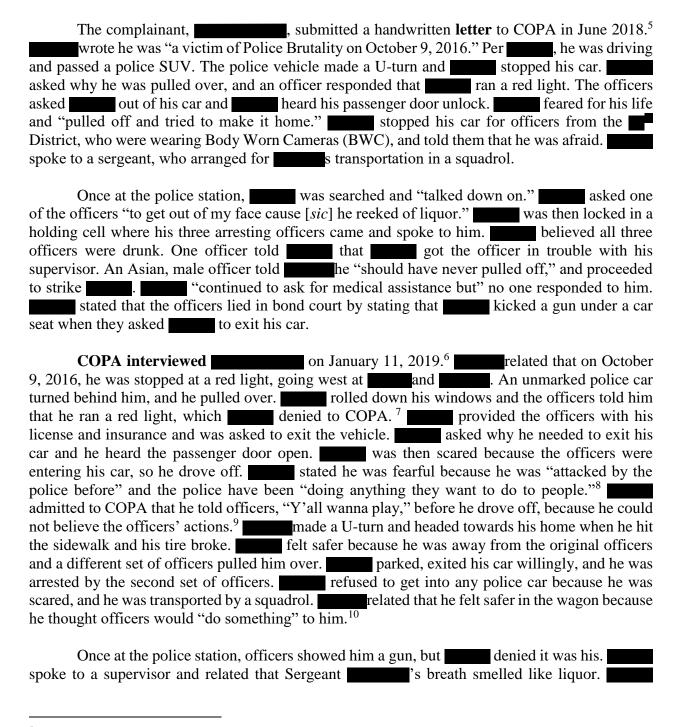
V. INVESTIGATION⁴

² The Use of Force Guidelines Policy referenced in this report was effective from October 1, 2002 until October 16, 2017 (Att. 41).

³ The Force Options referenced in this report was effective from January 1, 2016 until October 16, 2017 (Att. 42).

⁴ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

a. Interviews



⁵ Att. 3

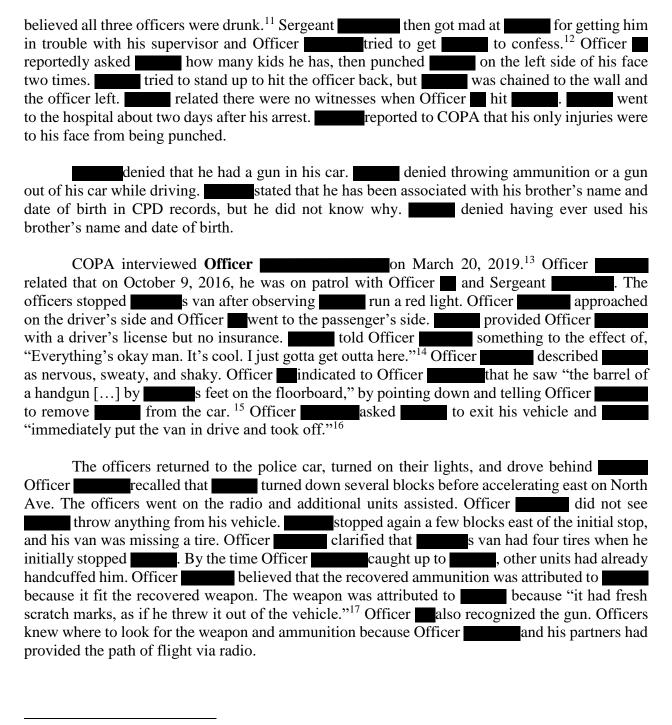
⁶ Att. 16

did not believe he ran this red light because he never received a ticket from the red-light camera. However, available evidence from the City of Chicago states the red-light camera at the intersection of Ave. monitors traffic going east, north, and south but not west (see Att. 22).

⁸ Approximately 3:58 and 4:04 minute marks of Att. 16.

⁹ Approximately 23:03 minute mark of Att. 16.

¹⁰ Approximately 8:28 minute mark of Att. 16.



Allegations were not given to Officers and and related to related to failed to provide any evidence related to these two officers aside from a general feeling, whereas he reportedly smelled alcohol on Sergeant is breath.

A review of Sergeant sistery included no additional incidents from 2016 or incidents involving intoxication (see Att. 43).

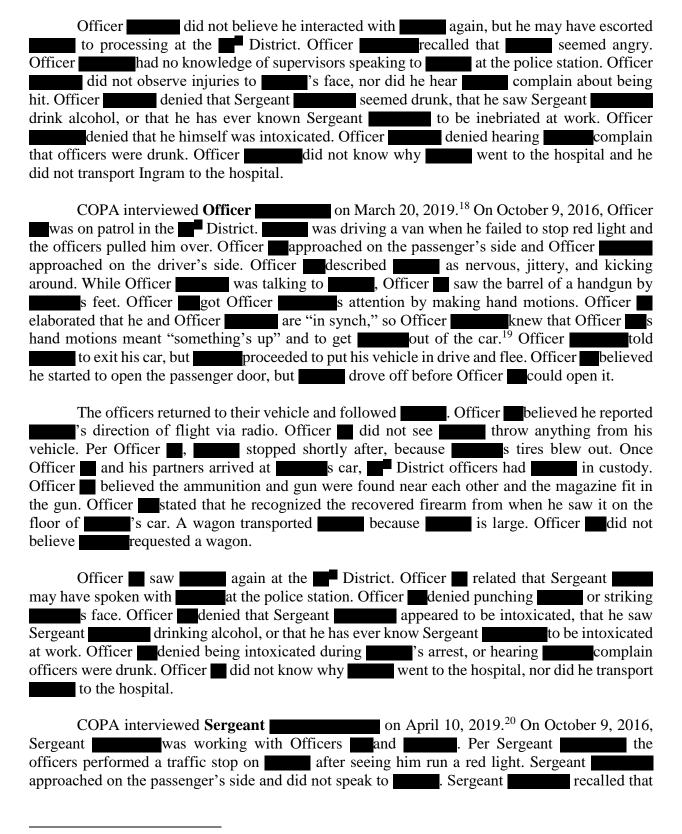
¹³ Att. 47

¹⁴ Approximately 7:07 minute mark of Att. 47.

¹⁵ Approximately 7:51 minute mark of Att. 47.

¹⁶ Approximately 8:16 minute mark of Att. 47.

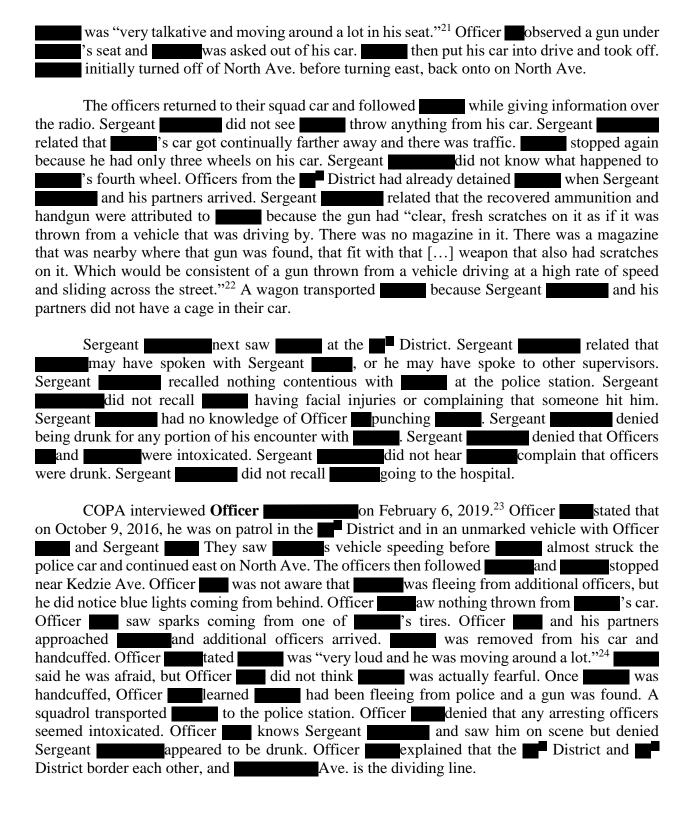
¹⁷ Approximately 11:26 minute mark of Att. 47.



¹⁸ Att. 52

¹⁹ Approximately 7:28 minute mark of Att. 52.

²⁰ Att. 59

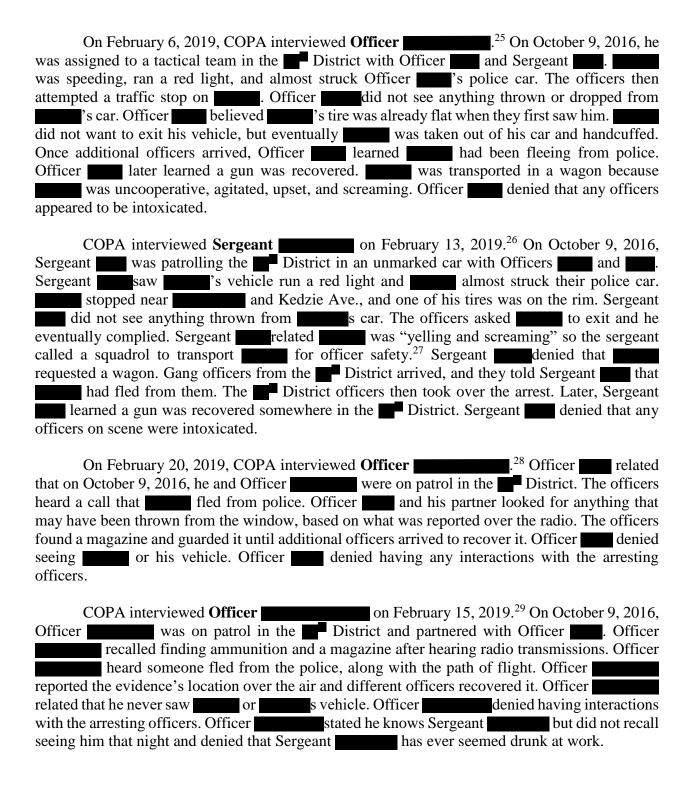


²¹ Approximately 7:10 minute mark of Att. 59.

²² Approximately 10:27 minute mark of Att. 59.

²³ Att. 26

²⁴ Approximately 5:58 minute mark of Att. 26.



²⁵ Att. 28

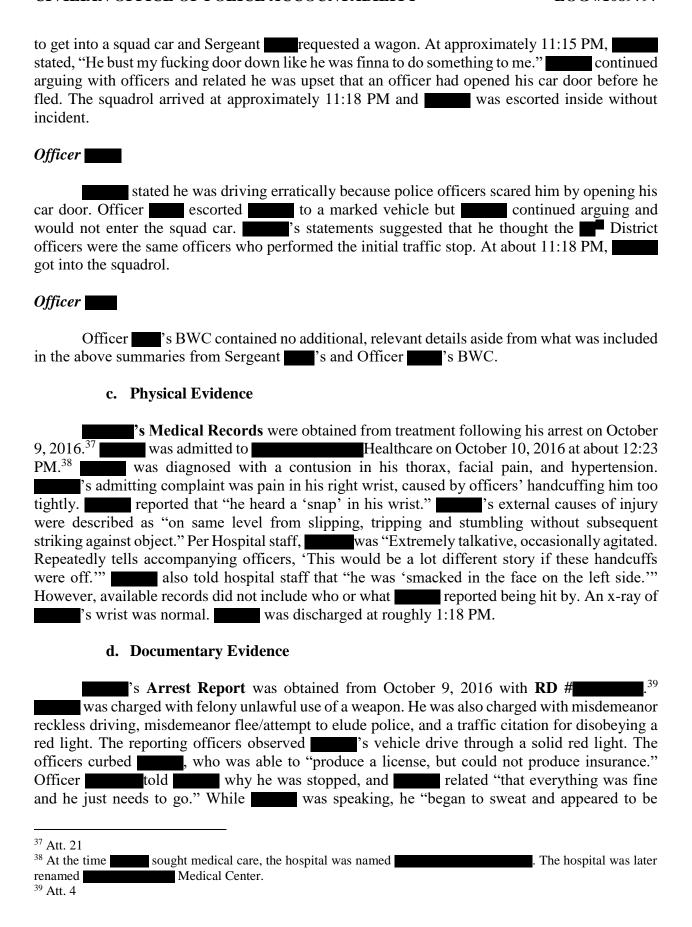
²⁶ Att. 35

²⁷ Approximately 6:54 minute mark of Att. 35.

²⁸ Att. 39

²⁹ Att. 37

COPA interviewed Sergeant on March 28, 2019. Sergeant did not independently recall but recalled the incident after reviewing Department reports. Sergeant related that the only memorable thing from sarrest was that a gun was thrown out of the car and later found. Sergeant could not specifically recall how the recovered gun was attributed to sergeant did not go to the scene and was not involved in sarrest. Sergeant did not recall seeing or speaking with sergeant denied that an arrestee ever complained that Sergeant smelled like alcohol. Sergeant related that matched did not complain to Sergeant about drunk officers. Sergeant had no knowledge of Officer not only officers, punching about drunk officers. Sergeant had no knowledge of Officer not only officers, punching about drunk officers.
COPA interviewed Officer on February 8, 2019. ³² On October 9, 2016, Officer was assigned to the squadrol in the District. Officer was called to transport of the squadrol in the was cooperative. Officer recalled nothing significant from his interaction with or the arresting officers. Officer denied that any officers on scene appeared to be intoxicated.
COPA interviewed Officer on February 7, 2019. ³³ After reviewing Attendance and Assignment records from October 9, 2016, Officer related that she was assigned to a squadrol. Officer had no recollection of or this incident. Officer could not recall any incidents where officers appeared to be intoxicated.
COPA interviewed Officer on January 28, 2019. ³⁴ Officer believed she was included on sarrest report in error. Officer related that she works in administration and would not have transported an arrestee. Officer had no recollection of
b. Digital Evidence
The following relevant Body Worn Camera (BWC) footage was available from involved District officers. ³⁵ ³⁶
Sergeant
Sergeant is BWC initiated at approximately 11:11 PM. Additional officers arrived at approximately the same time, and exited his vehicle. was handcuffed, and Sergeant searched is car. At roughly 11:12 PM, stated, "It looked like he had a pistol underneath his seat when he was taking off on us." was heard yelling and at about 11:13 PM he stated, "Y'all just scared me when y'all opened my door. That's why [inaudible]." did not want
31 Att. 57 32 Att. 33 33 Att. 30 34 Att. 23 35 Att. 44 36 No digital evidence was available from Gang Enforcement – Area (Unit), as they are not assigned Body Worn Camera (BWC). The District was not assigned BWC until December 4, 2017.



mervous by continuously shaking his legs and reaching down by his feet with his hands." Officer was on the passenger's side and "observed the barrel of a handgun" near 's "feet on the floor board." Officer asked to exit his vehicle. proceeded to put his car into drive and speed away. The reporting officers followed with their emergency equipment activated, and drove through at least three red lights. Officers from the District saw s vehicle near with his front passenger tire no longer attached. Officers eventually removed from his car and arrested him. A District beat recovered a magazine with live rounds from A handgun was also recovered near hand. The lock-up keeper at the District wrote that was argumentative and did not properly follow directions. went to the hospital on October 10, 2016 at approximately 12:11 PM and returned at about 2:40 PM.
An Original Case Incident Report was identified for RD #
Case Supplementary Reports were located for RD # ⁴¹ A pistol was recovered from that contained nine live rounds. Detective spoke with at the District reportedly told Detective, "You got some kind of attitude? I didn't have no gun. I want my lawyer." Office told the detective that he saw kicking a gun while spoke with Officer proceeded to flee while Office attempted to open the passenger door.
Event # was reported on October 9, 2016 at about 11:10 PM. ⁴² The offender (known to be was reported as in-custody at roughly 11:11 AM. was then reported as heading east on North Ave. at about 11:12 PM. Beat reported finding a magazine near and streets at approximately 11:14 PM. Beat reported finding a weapon at at roughly 11:18 PM. At approximately 11:23 PM, Beat transported to the District. Beats and also went, as was reportedly violent.

VI. LEGAL STANDARD

For each Allegation COPA must make one of the following findings:

- 1. <u>Sustained</u> where it is determined the allegation is supported by a preponderance of the evidence;
- 2. <u>Not Sustained</u> where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;

⁴¹ Atts. 5, 6

⁴⁰ Atts. 7

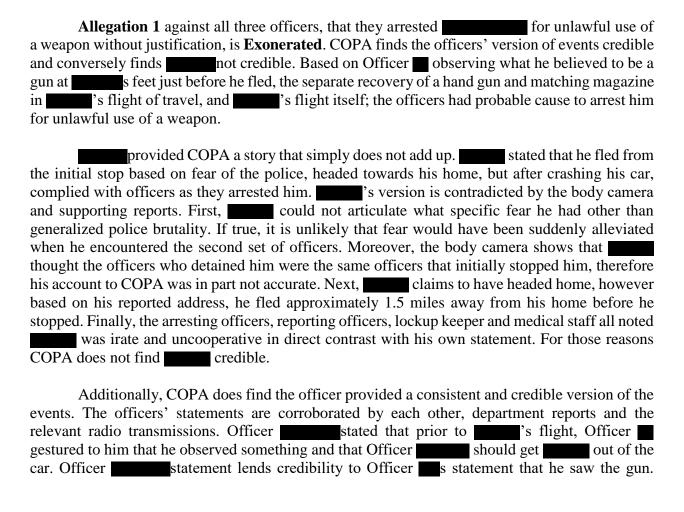
⁴² Att. 10

- 3. <u>Unfounded</u> where it is determined by clear and convincing evidence that an allegation is false or not factual; or
- 4. <u>Exonerated</u> where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that the conduct occurred and violated Department policy. *See Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005), (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, even if by a narrow margin, then the preponderance of the evidence standard is met.

Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the "beyond-a-reasonable doubt" standard required to convict a person of a criminal offense. See e.g., People v. Coan, 2016 IL App (2d) 151036 (2016). Clear and Convincing can be defined as a "degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true." Id. at ¶ 28.

VII. ANALYSIS



Additionally, on Sergeant BWC, an officer can be heard mentioning the presence of a gun prior to flight.
In sum, based on Officer sobservations, the lack of a gun in second seco
Allegation 2 against Officer, that he punched in the face, is Unfounded. denied punching related that he went to the hospital for medical treatment stemming Officer punching him. However, medical records indicate that told staff he was there for his wrist. In contrast, did not make any complaints to COPA about a wrist injury. Medical records do relate that reported being hit in the face, however no injuries or treatment to his face were indicated. As articulated above, COPA finds that was not a credible witness, and in contrast, Officer saccount of the events was corroborated by other officers, body camera and reports. Based on the lack of evidence of the injuries and the credibility of the parties, COPA finds this allegation Unfounded.
Allegation 2 against Sergeant , that he drank alcohol while on duty, is Unfounded. All interviewed Department members denied that anyone seemed drunk. All three accused, and Sergeant , denied that Sergeant was drunk at work. specifically claimed that he complained about Sergeant to a supervisor. All the responding officers asserted Sergeant was sober, and as articulated above, COPA does not find credible, therefore this allegation is Unfounded.
VIII CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding
Officer	1. Arrested for unlawful use of a weapon without justification, in violation of Rule 2 and Rule 6.	Exonerated
Officer	1. Arrested for unlawful use of a weapon without justification, in violation of Rule 2 and Rule 6.	Exonerated
	2. Punched in the face, in violation of Rule 6 and Rule 9.	Unfounded
Sergeant	1. Arrested for unlawful use of a weapon without justification, in violation of Rule 2 and Rule 6.	Exonerated
		Unfounded

Approved:	
	April 30, 2019
	Date

Appendix A

Assigned Investigative Staff

Squad#:	
Investigator:	
Supervising Investigator:	
Deputy Chief Administrator:	